



Rep. Elaine Nekritz

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LRB098 09021 HLH 42497 a

1 AMENDMENT TO HOUSE BILL 1533

2 AMENDMENT NO. _____. Amend House Bill 1533 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,

1 and notaries public.

2 (4) All officers and employees of the Illinois General
3 Assembly, all employees of legislative commissions, all
4 officers and employees of the Illinois Legislative
5 Reference Bureau, the Legislative Research Unit, and the
6 Legislative Printing Unit.

7 (5) All positions in the Illinois National Guard and
8 Illinois State Guard, paid from federal funds or positions
9 in the State Military Service filled by enlistment and paid
10 from State funds.

11 (6) All employees of the Governor at the executive
12 mansion and on his immediate personal staff.

13 (7) Directors of Departments, the Adjutant General,
14 the Assistant Adjutant General, the Director of the
15 Illinois Emergency Management Agency, members of boards
16 and commissions, and all other positions appointed by the
17 Governor by and with the consent of the Senate.

18 (8) The presidents, other principal administrative
19 officers, and teaching, research and extension faculties
20 of Chicago State University, Eastern Illinois University,
21 Governors State University, Illinois State University,
22 Northeastern Illinois University, Northern Illinois
23 University, Western Illinois University, the Illinois
24 Community College Board, Southern Illinois University,
25 Illinois Board of Higher Education, University of
26 Illinois, State Universities Civil Service System,

1 University Retirement System of Illinois, and the
2 administrative officers and scientific and technical staff
3 of the Illinois State Museum.

4 (9) All other employees except the presidents, other
5 principal administrative officers, and teaching, research
6 and extension faculties of the universities under the
7 jurisdiction of the Board of Regents and the colleges and
8 universities under the jurisdiction of the Board of
9 Governors of State Colleges and Universities, Illinois
10 Community College Board, Southern Illinois University,
11 Illinois Board of Higher Education, Board of Governors of
12 State Colleges and Universities, the Board of Regents,
13 University of Illinois, State Universities Civil Service
14 System, University Retirement System of Illinois, so long
15 as these are subject to the provisions of the State
16 Universities Civil Service Act.

17 (10) The State Police so long as they are subject to
18 the merit provisions of the State Police Act.

19 (11) (Blank).

20 (12) The technical and engineering staffs of the
21 Department of Transportation, the Department of Nuclear
22 Safety, the Pollution Control Board, and the Illinois
23 Commerce Commission, and the technical and engineering
24 staff providing architectural and engineering services in
25 the Department of Central Management Services.

26 (13) All employees of the Illinois State Toll Highway

1 Authority.

2 (14) The Secretary of the Illinois Workers'
3 Compensation Commission.

4 (15) All persons who are appointed or employed by the
5 Director of Insurance under authority of Section 202 of the
6 Illinois Insurance Code to assist the Director of Insurance
7 in discharging his responsibilities relating to the
8 rehabilitation, liquidation, conservation, and dissolution
9 of companies that are subject to the jurisdiction of the
10 Illinois Insurance Code.

11 (16) All employees of the St. Louis Metropolitan Area
12 Airport Authority.

13 (17) All investment officers employed by the Illinois
14 State Board of Investment.

15 (18) Employees of the Illinois Young Adult
16 Conservation Corps program, administered by the Illinois
17 Department of Natural Resources, authorized grantee under
18 Title VIII of the Comprehensive Employment and Training Act
19 of 1973, 29 USC 993.

20 (19) Seasonal employees of the Department of
21 Agriculture for the operation of the Illinois State Fair
22 and the DuQuoin State Fair, no one person receiving more
23 than 29 days of such employment in any calendar year.

24 (20) All "temporary" employees hired under the
25 Department of Natural Resources' Illinois Conservation
26 Service, a youth employment program that hires young people

1 to work in State parks for a period of one year or less.

2 (21) All hearing officers of the Human Rights
3 Commission.

4 (22) All employees of the Illinois Mathematics and
5 Science Academy.

6 (23) All employees of the Kankakee River Valley Area
7 Airport Authority.

8 (24) The commissioners and employees of the Executive
9 Ethics Commission.

10 (25) The Executive Inspectors General, including
11 special Executive Inspectors General, and employees of
12 each Office of an Executive Inspector General.

13 (26) The commissioners and employees of the
14 Legislative Ethics Commission.

15 (27) The Legislative Inspector General, including
16 special Legislative Inspectors General, and employees of
17 the Office of the Legislative Inspector General.

18 (28) The Auditor General's Inspector General and
19 employees of the Office of the Auditor General's Inspector
20 General.

21 (29) All employees of the Illinois Power Agency.

22 (30) Employees having demonstrable, defined advanced
23 skills in accounting, financial reporting, or technical
24 expertise who are employed within executive branch
25 agencies and whose duties are directly related to the
26 submission to the Office of the Comptroller of financial

1 information for the publication of the Comprehensive
2 Annual Financial Report (CAFR).

3 (31) All employees of the Illinois Sentencing Policy
4 Advisory Council.

5 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Section 5-8-8 as follows:

8 (730 ILCS 5/5-8-8)

9 (Section scheduled to be repealed on December 31, 2015)

10 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

11 (a) Creation. There is created under the jurisdiction of
12 the Governor the Illinois Sentencing Policy Advisory Council,
13 hereinafter referred to as the Council.

14 (b) Purposes and goals. The purpose of the Council is to
15 review sentencing policies and practices and examine how these
16 policies and practices impact the criminal justice system as a
17 whole in the State of Illinois. In carrying out its duties, the
18 Council shall be mindful of and aim to achieve the purposes of
19 sentencing in Illinois, which are set out in Section 1-1-2 of
20 this Code:

21 (1) prescribe sanctions proportionate to the
22 seriousness of the offenses and permit the recognition of
23 differences in rehabilitation possibilities among
24 individual offenders;

1 (2) forbid and prevent the commission of offenses;

2 (3) prevent arbitrary or oppressive treatment of
3 persons adjudicated offenders or delinquents; and

4 (4) restore offenders to useful citizenship.

5 (c) Council composition.

6 (1) The Council shall consist of the following members:

7 (A) the President of the Senate, or his or her
8 designee;

9 (B) the Minority Leader of the Senate, or his or
10 her designee;

11 (C) the Speaker of the House, or his or her
12 designee;

13 (D) the Minority Leader of the House, or his or her
14 designee;

15 (E) the Governor, or his or her designee;

16 (F) the Attorney General, or his or her designee;

17 (G) two retired judges, who may have been circuit,
18 appellate, and or supreme court judges; retired judges

19 appointed prior to the effective date of this
20 amendatory Act of the 98th General Assembly shall be 7

21 selected by the members of the Council designated in
22 clauses (c) (1) (A) through (L), and retired judges

23 appointed on or after the effective date of this
24 amendatory Act of the 98th General Assembly shall be

25 appointed by the Chief Justice of the Illinois Supreme
26 Court;

1 (G-5) two sitting judges, who may be circuit,
2 appellate, or supreme court judges, appointed by the
3 Chief Justice of the Supreme Court; one member
4 appointed under this paragraph (G-5) shall be selected
5 from the Circuit Court of Cook County or the First
6 Judicial District, and one member appointed under this
7 paragraph (G-5) shall be selected from a judicial
8 circuit or district other than the Circuit Court of
9 Cook County or the First Judicial District;

10 (H) the Cook County State's Attorney, or his or her
11 designee;

12 (I) the Cook County Public Defender, or his or her
13 designee;

14 (J) a State's Attorney not from Cook County,
15 appointed by the State's Attorney's Appellate
16 Prosecutor;

17 (K) the State Appellate Defender, or his or her
18 designee;

19 (L) the Director of the Administrative Office of
20 the Illinois Courts, or his or her designee;

21 (M) a victim of a violent felony or a
22 representative of a crime victims' organization,
23 selected by the members of the Council designated in
24 clauses (c) (1) (A) through (L);

25 (N) a representative of a community-based
26 organization, selected by the members of the Council

1 designated in clauses (c) (1) (A) through (L);

2 (O) a criminal justice academic researcher, to be
3 selected by the members of the Council designated in
4 clauses (c) (1) (A) through (L);

5 (P) a representative of law enforcement from a unit
6 of local government to be selected by the members of
7 the Council designated in clauses (c) (1) (A) through
8 (L);

9 (Q) a sheriff selected by the members of the
10 Council designated in clauses (c) (1) (A) through (L);
11 and

12 (R) ex-officio members shall include:

13 (i) the Director of Corrections, or his or her
14 designee;

15 (ii) the Chair of the Prisoner Review Board, or
16 his or her designee;

17 (iii) the Director of the Illinois State
18 Police, or his or her designee; and

19 (iv) the Director of the Illinois Criminal
20 Justice Information Authority, or his or her
21 designee. ~~and~~

22 ~~(v) the assistant Director of the~~
23 ~~Administrative Office of the Illinois Courts, or~~
24 ~~his or her designee.~~

25 (1.5) The Chair and Vice Chair shall be elected from
26 among its members by a majority of the members of the

1 Council.

2 (2) Members of the Council who serve because of their
3 public office or position, or those who are designated as
4 members by such officials, shall serve only as long as they
5 hold such office or position.

6 (3) Council members shall serve without compensation
7 but shall be reimbursed for travel and per diem expenses
8 incurred in their work for the Council.

9 (4) The Council may exercise any power, perform any
10 function, take any action, or do anything in furtherance of
11 its purposes and goals upon the appointment of a quorum of
12 its members. The term of office of each member of the
13 Council ends on the date of repeal of this amendatory Act
14 of the 96th General Assembly.

15 (d) Duties. The Council shall perform, as resources permit,
16 duties including:

17 (1) Collect and analyze information including
18 sentencing data, crime trends, and existing correctional
19 resources to support legislative and executive action
20 affecting the use of correctional resources on the State
21 and local levels.

22 (2) Prepare criminal justice population projections
23 annually, including correctional and community-based
24 supervision populations.

25 (3) Analyze data relevant to proposed sentencing
26 legislation and its effect on current policies or

1 practices, and provide information to support
2 evidence-based sentencing.

3 (4) Ensure that adequate resources and facilities are
4 available for carrying out sentences imposed on offenders
5 and that rational priorities are established for the use of
6 those resources. To do so, the Council shall prepare
7 criminal justice resource statements, identifying the
8 fiscal and practical effects of proposed criminal
9 sentencing legislation, including, but not limited to, the
10 correctional population, court processes, and county or
11 local government resources.

12 (5) Perform such other studies or tasks pertaining to
13 sentencing policies as may be requested by the Governor or
14 the Illinois General Assembly.

15 (6) Perform such other functions as may be required by
16 law or as are necessary to carry out the purposes and goals
17 of the Council prescribed in subsection (b).

18 (e) Authority.

19 (1) The Council shall have the power to perform the
20 functions necessary to carry out its duties, purposes and
21 goals under this Act. In so doing, the Council shall
22 utilize information and analysis developed by the Illinois
23 Criminal Justice Information Authority, the Administrative
24 Office of the Illinois Courts, and the Illinois Department
25 of Corrections.

26 (2) Upon request from the Council, each executive

1 agency and department of State and local government shall
2 provide information and records to the Council in the
3 execution of its duties.

4 (f) Report. The Council shall report in writing annually to
5 the General Assembly, the Illinois Supreme Court, and the
6 Governor.

7 (g) This Section is repealed on December 31, 2015.

8 (Source: P.A. 96-711, eff. 8-25-09; 96-1000, eff. 7-2-10;
9 97-775, eff. 7-13-12.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."